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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

VINCENZO MAZZAMUTO,
Plaintiff,

CIVIL ACTION
NO. 1:CV-01-1157

v.

UNUM PROVIDENT
CORPORATION, et al.,
Defendants

JUDGE CONNER

FILED
HARRISBURG, PA

JAN 15 2003

MARY E. D'ANDREA, CLERK
Per _____
Deputy Clerk

**DEFENDANTS' MOTION TO STRIKE AFFIDAVIT
OF PLAINTIFF'S COUNSEL RICHARD C. ANGINO**

Pursuant to Fed. R. Civ. P. 56(e), Defendants, UNUM Provident Corporation, Paul Revere Life Insurance Company and New York Life Insurance Company ("Defendants") hereby move to strike the Affidavit of Plaintiff's Counsel, Richard C. Angino (hereinafter "Angino Affidavit"). As explained in the accompanying Memorandum of Law in support of this motion, which is incorporated herein in its entirety, the Angino Affidavit and Exhibit should be stricken from the record because they fail to meet the requirements of

Fed. R. Civ. P. 56(e).

WHEREFORE, for the reasons set forth above and in the accompanying Memorandum of Law in support of this motion, which is incorporated herein in its entirety, Defendants respectfully request that the Court grant their motion and strike plaintiff's affidavit

Dated: January 10, 2003

STEVENS & LEE

By

E. Thomas Henefer

E. Thomas Henefer

Attorney I.D. No. 55773

111 North Sixth Street

P.O. Box 679

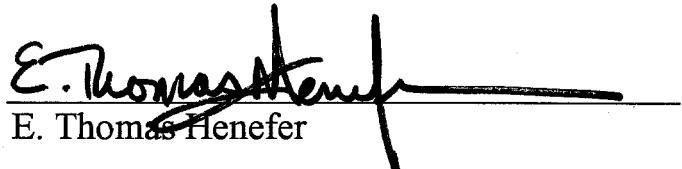
Reading, Pennsylvania 19603

(610) 478-2000

Attorneys for Defendants

CERTIFICATE OF NON-CONCURRENCE

Pursuant to Local Rule 7.1 I, E. Thomas Henefer, certify that opposing counsel does not concur in the foregoing motion.

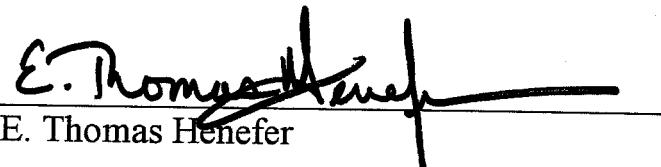

E. Thomas Henefer

Date: January 10, 2003

CERTIFICATE OF SERVICE

I, E THOMAS HENEFER, ESQUIRE, certify that on this date, I served a certified true and correct copy of the foregoing Motion to Strike upon the following counsel of record, by first class mail, postage prepaid, addressed as follows:

Richard C. Angino, Esquire
4503 North Front Street
Harrisburg, PA 17110-1708


E. Thomas Henefer

Date: January 10, 2003